K 192.

File No. G.P.C. II/52 (N)
Pt. I
Legal Deptt.
B BRANCH P4(E)/1952

Subject:— Notifications under the Code of Criminal Procedure 1898.

File No. Cr. P C. II/52 (N)
Pt. I

Gen. 194

27-B

LEGAL DEPARTMENT.

A revised draft notification is sent herewith.

It does not appear that any hamlets forming part of a village wer shown so far under a police station declared under clause (s) of sub-section (1) of section 4 of the Code of Criminal Procedure. The villages under the police stations are shown in terms of revenue limits of villages. If a hamlet or hamlets form part of a village, it does not appear to be necessary to show such hamlets by specific names under police stations. The hamlets referred to by the Inspector General of Police were not shown among the villages of the former Abu State which merged with the Province of Bombay. Revenue Department may be consulted if necessary.

Id/- J.R.D.
26/2

Additional Secretary to Government.

U.R. to H.D., No.3083,

dated the 26th February 1952.

JPE.29/6/56.
4 copies.

Legal Department.

The propsal in these papers is to advise the District Magistrates to issue at the following municipal elections orders under section 144 of the Criminal Procedure Code prohibiting acts like canvassing, disorderly conduct or miseonduct by candidates, their agents, etc., within a distance of 100 yards of the polling stations.

It appears that the Local Self-Government and Public Health Department has already informed the Collectors that Government had no objection to their issuing at the time of the ensuing elections to the District Local Boards an order under section 144 of the Criminal Procedure Code prohibiting the aobve acts. It does not appear what were the circumstances which actually necessitated such order at Nasik. It is possible that the Collector of Nasik feared that if any such acts were permitted at the time of the District Local Board elections, there was likely to be obstruction, annoyance or injry or risk of obstruction, annoyance or injury, to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray. Unless these conditions are stisfied, it would not be legal for the District Magistrate to issue an order under section 144, Criminal Procedure Code. In the absence of an express provision in a specific enactment (as it is in the Representation of the People Act, 1951), canvassing near polling stations would not by itelef be illegal. If there is any disorderly conduct, action under the ordinary law can be taken to prevent it. Merely becauee the banning of certain

acts is necessary to ensure orderly conduct of elections would not be held as justifying the issue of an order under section 144, Criminal Procedure Code. Orders made under the section can be revised by the High Court and, unless there are circumstances mentioned in the section an order would not be held to be legal. Before, however, any action under section 144 Criminal Procedure Code, is taken, it would be necessary to consult the Home Department.

Id/- J.R.D.
29/2

Additional Secretary to Government.

D.R. TO L.S.G. & P.H.D. NO. 3326,
dated 29-2-1952.

JRK.

HPE.30/6/56.4c.

Office of the R.L.A.

I think it would be open to the Magistrate under sub-section (2) of section 144 of the Code of Criminal Procedure to alter the Order made by him on the 3rd May 1952. A draft Order making the necessary alterations is sent herewith. It is pointed out that, as soon as the Order is altered in the manner suggested, it would be open for the public to hold meetings protesting against the rise in the prices of food grains.

2. The amendments should be made before the original Order expires.

Id/- P.M.L. 2/6

Remembrancer of Legal Affairs.

Sey HD

507 Sect.

JPE.30/6/56.4c.